

EXHIBIT 1

Declaration of Lillian Bernier

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

LILLIAN BERNIER,

Plaintiff,

v.

TURBOCAM, INC.,

Defendant.

Civil Action No. 1:23-cv-00523-LM-AJ

DECLARATION OF LILLIAN BERNIER

I, Lillian Bernier, state as follows:

1. My name is Lillian Bernier. I am a 32-year-old transgender woman, and I have gender dysphoria. Being a transgender woman means that, although my birth sex is male, I live as a woman because I am unable to live and function in my birth sex.

2. I was born and raised in New Hampshire. My mother and father raised me and my brother in Exeter, New Hampshire. I graduated from Exeter High School in 2009. As part of my high school education, I participated in a vocational welding and machining program at the Seacoast School of Technology in Exeter.

3. Growing up, I always knew that I was different. I felt that some part of me was missing. By the time I was 11 or 12 years old, I knew that I was female. I tried to explain this to my parents who told me it was a phase that I would grow out of. I knew that it wasn't a phase, but I felt like I had to hide it from others. For most of my life I lived with this deeply buried secret. Due in part to my upbringing, I could not imagine living as a woman. This led to deep feelings of distress, depression, and despair.

4. After graduating from high school, I worked a number of jobs in the Seacoast region of New Hampshire, including approximately seven years in various retail and management positions at Town Fair Tire.

5. I got married at the age of 19 and started a family. About 10 years ago, I told my then-wife that I am transgender. Although it was a surprise to her, we had a close relationship, and she was supportive of me. We have since divorced, but we remain on good terms.

6. In 2019, I saw a posting online for a CNC Mill Operator position at Turbocam, Inc. The position was appealing to me not only because of my prior study in the machining program at the Seacoast School of Technology, but also because my father had held a similar job in the past. I had always wanted to work in a machining job like him.

7. I was hired and began working on June 3, 2019. I have been employed continuously by Turbocam, Inc., ever since, including throughout the COVID-19 pandemic. I began working at Turbocam as a CNC Mill Operator. I was later promoted to a Level I Machine Operator and then to a Level II Machine Operator. Recently, I began a new role at Turbocam, Inc. as a TAE Machine Operator. I have always worked third shift (11:00 p.m. to 7:00 a.m.).

8. In the fall of 2020, the distress I felt reached a point where I realized that I needed to live as a woman. I began to tell some friends and family that I am transgender. Over the next months I began presenting myself as a woman publicly, started the process of changing my name, and initiated feminizing hormone therapy. For the first time in my life, I felt hope and optimism that I could be at peace with myself. I could envision a future when I would be able to look in the mirror and accept who I saw in the reflection.

9. In October or November of 2020, I told Charles Ireland, my former supervisor at Turbocam, that I am transgender. He was supportive at the time, and he has continued to be supportive.

10. I now live as female in all aspects of my life. I changed my legal name to Lillian Bernier, and my New Hampshire driver's license has been updated to reflect that my name is Lillian and that I am female.

11. Towards the end of 2020, I went to Planned Parenthood to seek medical treatment to aid in my gender transition. There, I was prescribed feminizing hormones (Estradiol) and androgen suppressing medication (Spironolactone). I have since continued feminizing hormone therapy with my primary care provider, Eric Senneville, at Elliott Pediatrics and Primary Care. I continue to take these same medications.

12. Estradiol and Spironolactone have reduced my feelings of distress, because they provide my body with a level of hormones that my body does not naturally produce due to my male birth sex, and they prevent my body from experiencing the effects of the endogenous hormones that my body continues to produce. However, these medications have not fully resolved my gender-related distress because my body continues to exhibit masculine features.

13. In March 2021, I submitted my certificate of legal name change to Turbocam's personnel department. I worked with Julie Oakley, who was the personnel representative for my department, to update my name and sex on my employee records at Turbocam to reflect that I am a woman. At the time, I told Julie that I had started hormone therapy and planned to have gender transition surgery at the end of the year. I asked whether Turbocam's health insurance with Harvard Pilgrim Health Care ("HPHC") would cover medical care associated with my transition. I felt reassured when Julie told me that HPHC would probably cover my medical care.

14. When I began my employment at Turbocam, the company participated in a fully insured health benefits plan through HPHC. I was enrolled in that plan. When I began thinking about gender transition surgery, I reviewed HPHC's coverage information on its website. Based on that review, I understood that gender transition surgeries would be covered by the plan.

15. I scheduled a consultation for vaginoplasty at Boston Medical Center.

16. In October 2021, I called the HPHC phone number on my insurance card to ask about the process for preauthorization for gender transition surgery. I was told that, at the beginning of 2021, Turbocam had switched to a self-funded health benefits plan, administered by Health Plans, Inc., a Harvard Pilgrim company, and that the new plan excludes all treatment for gender dysphoria.

17. On October 21, 2021, I emailed the personnel department to ask about the change from a fully insured plan to a self-insured plan, and to ask whether any of my transition-related care would be covered. On October 25, 2021, Pete Hanson, Turbocam's head of personnel, explained in an email that coverage for any treatment of gender dysphoria was excluded from Turbocam's health plan.

18. In November of 2021, I emailed Maya Jiman in Turbocam's personnel department to ask if Turbocam would make an exception to the exclusion to enable me to obtain gender transition surgery.

19. On December 6, 2021, I followed up by email with Pete Hanson, Turbocam's head of personnel. Pete replied that same day: "At this point, we are not changing the plan design or making an exception. While we do review the plan each year I suspect we won't be removing it from the exclusions list in the near future."

20. I canceled my appointment for a surgical consultation at Boston Medical Center because I had been told that the plan would not cover gender transition surgery and I could not afford to pay out of pocket.

21. In March 2022, I sought mental health counseling for gender dysphoria with a licensed clinical social worker, Lisabeth Wotherspoon.

22. I inquired with Turbocam's personnel department whether therapy for gender dysphoria was covered. On March 29, 2022, I received an email from Darika Marino, Turbocam's benefits specialist, informing me that the health plan does not cover therapy for gender dysphoria. As a result, I paid out of pocket for mental health counseling with Ms. Wotherspoon.

23. Ms. Wotherspoon confirmed my gender dysphoria diagnosis.

24. I have paid \$190 out of pocket per session for twenty-four sessions of mental health counseling, for a total cost of \$4,560.

25. On March 30, 2022, I met with Maya Jiman and Pete Hanson, at their request, to discuss my plan for gender transition. I again requested that Turbocam remove the exclusion for treatment of gender dysphoria. Treatment for gender dysphoria continues to be excluded from the health plan.

26. On November 8, 2022, in order to further treat the symptoms of distress that I experience due to gender dysphoria and to make my body more feminine, I underwent breast augmentation surgery at the Elliot 1-Day Surgery & Endoscopy Center. I paid \$10,443.15 for this surgery out of pocket.

27. Although this surgery has reduced the distress caused by gender dysphoria, I continue to feel stress, anxiety, and depression because of my body's masculine features.

28. Learning that Turbocam has, and has insisted on maintaining, an exclusion for all treatment of gender dysphoria has felt like a shot to the gut. When I learned of the exclusion, I experienced overwhelming anxiety and felt so defeated. I no longer had any sense of how my transition was going to happen. I felt that I had started but was being blocked from completing the transition that was so essential for me. In addition, I had taken the leap to live publicly as a woman in anticipation that I was on schedule to complete my transition.

29. If the exclusion were not in place, I would be able to seek preauthorization for and submit claims for coverage of my gender transition-related care. But because of the exclusion, I do not have the opportunity go through the regular claims process.

30. I intend to get a vaginoplasty as treatment for my gender dysphoria, which will include an orchiectomy. I will need to be on feminizing hormone therapy for the remainder of my life. These current and future medical treatments limit and make more difficult and complex any decisions I will make now or in the future about whether and how to conceive children.


31. Under Turbocam's self-funded employee benefits plan, my prescriptions are managed by Optum Rx, a pharmacy benefits manager. (Another pharmacy benefits manager, RxBenefits, managed the plan previously.) I do not know if the employee benefits plan has covered or will cover the cost of my hormone therapy, because I have a high-deductible plan, and I have not yet reached the deductible for prescriptions in any plan year.

32. I continue to experience distress due to my body's masculine features. It causes me deep pain to see and experience these features. I do not feel like I am seen as a woman by others. As a result, I do not have confidence in my daily life.

33. I have recently been evaluated by another provider for vaginoplasty, who also evaluated me for facial feminization surgery. Turbocam's current self-funded health benefits plan will not cover this surgery because of the exclusion.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: 07/13/2025



Lillian Bernier